

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:21-cr-0041-JPH-DLP
)	
ALBERT CHRIS PARTEE,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On July 14, and November 24, 2021, the Court held hearings on the Petitions for Warrant or Summons for Offender Under Supervision filed on June 3, and July 28, 2021. Defendant Partee appeared in person with his appointed counsel Gwendolyn Beitz. The government appeared by Cindy Cho, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Felecia Bain.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Partee of his rights and provided him with a copy of the petitions. Defendant Partee orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Partee admitted violation numbers 2, and 6. [Docket Nos. 5, and 13.] Government orally moved to withdraw the remaining violations, which motion was granted by the Court.
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 2 **“You shall not unlawfully possess a controlled substance.”**

The offender has provided positive urinalysis for marijuana and amphetamines on January 1, 28, 2021, as well as May 18, 2021. The offender has continued to deny illicit substance use.

- 6 **"You shall reside in a residential reentry center (RRC) for a term of up to 180 days. You shall abide by the rules and regulations of the facility."**

Mr. Partee failed to return to the RRC following his discharge from Methodist Hospital sometime over the weekend of July 24-25, 2021. His whereabouts is currently unknown.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is III.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months' imprisonment.

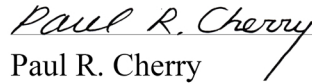
5. The parties jointly recommended a sentence of four (4) months with no supervised release to follow. Defendant requested placement at FMC Lexington with an immediate medical evaluation.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of four (4) months with no supervised release to follow. The Magistrate Judge will make a recommendation of placement at FMC Lexington

with an immediate evaluation for medical care. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 11/24/2021


Paul R. Cherry
United States Magistrate Judge
Southern District of Indiana

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